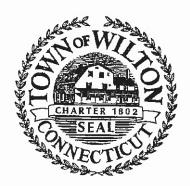
OFFICE OF THE FIRST SELECTMAN

Telephone (203) 563-0100 Fax (203) 563-0299

Email to: Bill.Brennan@Wiltonct.org



William F. Brennan First Selectman

Harold E. Clark Second Selectman

Ted W. Hoffstatter

Richard J. Dubow

James A. Saxe

TOWN HALL 238 Danbury Road Wilton, CT 06897

BOARD OF SELECTMEN REGULAR MEETING MONDAY, JUNE 4, 2012 MEETING ROOM B, WILTON TOWN HALL

PRESENT: First Selectman Bill Brennan, Ted Hoffstatter, Richard Dubow, James

Saxe ABSENT: Selectman Hal Clark

GUESTS: Sandy Dennies, CFO, Fire Chief Paul Milositz, Tom Thurkettle, Pat Sesto,

Michael Lindberg, Jim Snedeker, Jan Andras

OTHERS: Joan Lownds (Wilton Bulletin)

Mr. Brennan called the meeting to order at 7:30 p.m.

A. Consent Agenda

Upon motion by Mr. Dubow, the consent agenda was unanimously approved as follows:

Minutes

Board of Selectmen Meeting Minutes – 5/21/12 Regular Meeting

B. Discussion and/or Action

1. Norwalk River Valley Trail System

Mr. Lindberg and Mr. Snedeker work with the group, headed by Ms. Sesto, that has been planning the NRVT System for the past 2 ½ years. Ms. Sesto advised that the routing study is nearly complete and distributed a map of the proposed route (attached). There will be 13 miles of trails within Wilton, mostly within the Rt. 7 right-of-way, which has been approved by DOT.

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2. 2012 Deer Management Plan

Ms. Sesto gave an overview of the 2011 Deer Management Summary Report and the Plan for 2012 (attached). It was the general consensus of the Board of Selectmen to move forward with the Plan as outlined tonight, although Mr. Saxe stated that he felt the current management plan was working and did not require change.

3. Economic Development Commission

Letters were sent to 24 potential candidates for the EDC. Mr. Brennan reported that to date, we have received 10 affirmative responses, three negative responses, two who requested more information, and nine have not responded. He will prepare a summary of the names and skill sets to be distributed to the Selectmen. At the next meeting, on 6/18/12, the Selectmen will discuss the membership. The draft "Proposal to Establish an Economic Development Commission" will be sent to the Planning & Zoning Chairman for comments before a final vote.

4. Bonded Capital Projects Implementation Process

Fiber Optic Project – This project has not yet been approved by the voters. An internal committee is working to guide this process.

Comstock and School Projects – A meeting was held with Malcolm Whyte, Bruce Hampson, Dick Dubow and Bill Brennan. An architect's services will be needed to draw the plans and to guide the bidding process. The generator project is being done separately as we already have the specs and can start right away since we already have quotes.

5. Miller Driscoll Project SOR

Mr. Brennan stated that accepting the SOR does not mean that the BOS plans to construct everything included. The requirements were put together by the Board of Education. Mr. Saxe moved to accept the Miller Driscoll Project SOR. Motion seconded and unanimously carried.

6. State Legislation - Liquor Sales on Sundays

Mr. Brennan distributed a Cohen and Wolf summary of the new legislation (attached). The Town of Wilton basically does not have to do anything, unless the choice is made to "opt in" and change the Alcohol Ordinance to include Sunday business hours. It was decided to hold a public information meeting at 7:00 pm on Monday, June 18 to get feedback from residents.

7. Proposed 2012/2012 Transfer Station Fees

Tom Thurkettle, DPW Director, submitted the proposed FY 12/13 Transfer Station Fees (attached). Mr. Hoffstatter moved to approve the FY 12/13 Transfer Station Fees as proposed. Motion seconded and unanimously carried.

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8. Amendment to Building Department Fee Schedule

On 5/11/12, the Board of Selectmen approved an amended Fee Schedule. We have now been informed by the State that we cannot charge more than .26¢ per thousand for the Education Fund. Mr. Brennan moved to adjust the Bullding Department Fee Schedule as proposed. Motion seconded and unanimously carried.

9. Appointment of Hearing Officer

Mr. Brennan moved to appoint Christopher Gardner as Hearing Officer. Motion seconded and unanimously carried.

10. Appointments

Mr. Brennan moved to appoint Al Nickel to the Zoning Board of Appeals to fill the term of Barbara Frees. Motion seconded and unanimously carried.

Mr. Brennan moved to appoint Libby Bufano as an alternate member of the Zoning Board of Appeals to fill the term of Peter Shiue. Motion seconded and unanimously carried.

11. Miscellaneous Other Business -

Emergency Preparedness - Chief Paul Milositz reported that in three weeks, the Town will be conducting a full hurricane preparedness drill, including testing of communications, opening of the Emergency Operations Center and testing of the Code Red notification system as well as the use of social media. CL&P will be participating at the EOC. At the end of July, there will be a state-wide test drill.

<u>Library Trustees Meeting Schedule</u> – The Board of Selectmen will meet with the Library Trustees on the following dates: 8/6/12 (BOS meeting), 10/29/12 (at Library), 1/23/13 (BOS meeting) and 5/31/13 (at Library).

<u>August BOS Meeting</u> – The August 20 meeting will be cancelled.

C. Public Comment: None noted.

D. Reports

1. First Selectman's Report -

<u>Welcome Sign</u> – There is a new "Welcome to Wilton" sign installed at the corner of Center Street and Rt. 33, made possible with donations from the Chamber of Commerce, Rotary Club, and Kiwanis Club of Wilton.

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<u>Social Services</u> – Last month, 87 families accessed the Food Pantry – up from 55 the month before.

2. Selectmen Reports

Mr. Dubow – No report

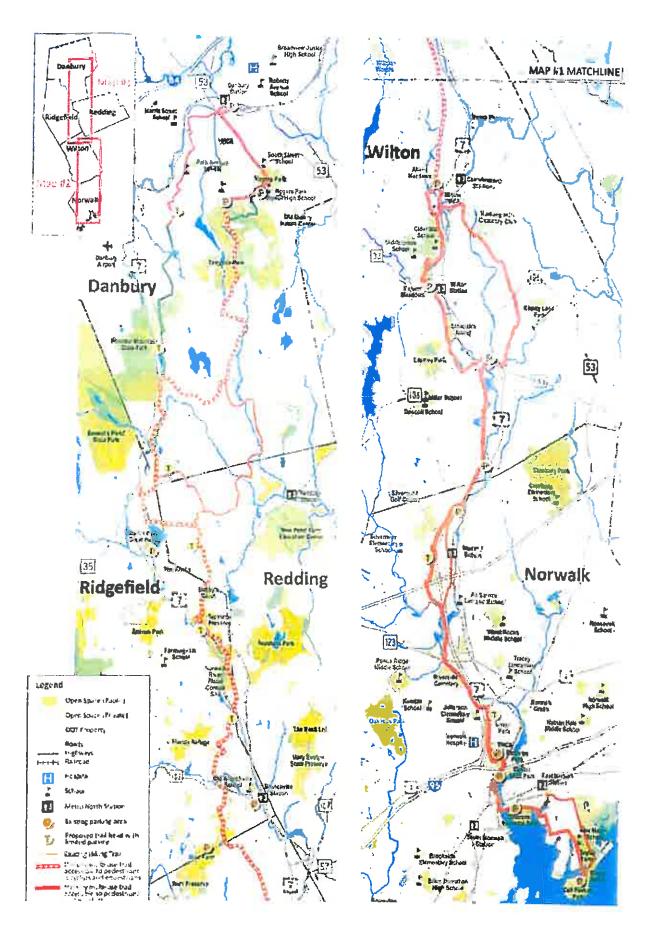
Mr. Hoffstatter – Met with Steve Pierce and asked to sit in on meetings involving the capital projects at Comstock. The re-usable bag initiative has increased the use from 12% to 24%, however, the goal was 50%. He will be coming back with a further report.

Mr. Saxe – The Fire Department has put together a requirements list for the new engine tanker.

Having no further business, the meeting was adjourned at 9:20 p.m.

Jan Andras, Recording Secretary

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http://lab79343-a-62cb3ala-s-sites.googlegroups.com/site/nrvttest/proposed-route/Draft%... 5/25/2012

DEER MANAGEMENT COMMITTEE Telephone (203) 563-0180 Fax (203) 563-0284



TOWN HALL 238 Danbury Road Wilton, Connecticut 06897

MEMORANDUM

TO:

Conservation Commission

FROM:

Deer Management Committee

DATE:

April 29, 2012

RE:

2011 Deer Management Summary Report & 2012 Plan

The 2011 season was successful in its own right, showing an increase in safely harvested deer. The committee, once lacking in membership is nearly full strength and motivated to refine and expand the program. The 2012 Deer Management Plan reflects on the successes the committee has had in the last eight years and recognition of the limitations of these approaches. Since the inception of the program, we have grown the number of open space parcels available for controlled hunts, assertively worked to cultivate landowner and hunter matches, and kept abreast of deer management options tried by others. Despite increasing hunting opportunities and efficiencies we are still falling short of our goals.

Goals established in the "Final Deer Management Report" established a desired density of 10-20 deer per square mile. In order to realize this goal, some 300 deer per year at a minimum, need to be culled. In Wilton, we have averaged close to 200 deer killed per year, including reported roadkill, consistently falling short of our needed goal. The committee recognizes that the lands consistently hunted and those in the Immediate vicinity benefit from the hunting, even if the town as a whole does not to the full extent desired.

We remain cognizant of the millions of dollars Wilton residents collectively spend each year to repel, fence, apply insecticides, and repair our cars in response to our over abundant deer population. And while we haven't been able to reach our harvest goals, the Deer Committee believes that without its activities, the deer overpopulation in Wilton would be significantly worse and the amounts spent by residents in town to combat the deer population would be even higher. Additionally, Connecticut still maintains one of the highest rates of infection for Lyme disease in the country and there is no indication our forests are recovering, except on land where hunting has persisted diligently for more than five years.

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Summary of 2011

In 2011, management opportunities were sought on both public and private land. Controlled hunting resumed on the SNEW properties Comstock Brook Property and City Lake and the town/land trust open space, Sackett & Marble-Richards-Van Haelewyn Preserves. Efforts to match homeowners and hunters continued for its second year. The controlled hunt was run consistent with prior years, including direct mail notification of adjoining neighborhoods, on property signage for non-SNEW land, and coordination with the WPD. Several new hunters were added to the program and gratitude is extended to field captains Gary Bartush, Fran Soltes, and Wilton police officer, Tim Fridinger. These gentlemen provide a critical function of organizing the placement and attendance of the controlled hunt hunters. Committee members Mike Russnok and Scott MacQuarrie provided the committee-side support.

In the second year of the hunter to landowner match program, little changed from the first year. The program began later in the season than desirable due to vacancies on the committee. The Police Department again assisted in conducting a background check and a proficiency test for hunters interested in being included on the list of available hunters for 2011. In order to promote the highest level of public confidence, it was the decision of the committee that all hunters would be subject to this check and testing, regardless if they had passed in the previous year. Steve White took on the management of the hunter to landowner match program.

The ability to track harvests by hunters in a Wilton program or simply hunting in Wilton became more difficult with the change in registering kills beginning in the 2010 season. To offset this, the committee devised and administered a survey of participants of both hunt types and the homeowners. A summary sheet from each set is attached. Members of the controlled hunt reported 36 deer harvested; 18 bucks and 18 does. Seven deer were taken from the Land Trust's Slaughter Field, which was a quasi controlled hunt overseen by the land trust without committee assistance. Lastly, the hunter/landowner program yielded 31 deer consisting of a favorable composition of 27 does and 4 bucks. According to CT DEEP harvest reports, 164 deer were harvested by all hunters in Wilton, with the most prolific method being archery with a 123 deer.

In addition to harvest data, the questionnaires provided program feedback. Hunters consistently stated they want to begin hunting earlier in the season. Access to more open spaces and permission to hunt on Saturdays and holidays is sought. The controlled hunters also inquired about posting water company lands to discourage unauthorized hikers from disrupting the hunt. The private property hunters indicated 60% of them communicated with their property owners from once a week or more, while the other 40% "rarely" communicated with the property owner. When asked for suggestions, ideas within the control of the committee included gaining more private properties to avoid overhunting, increasing community awareness, and facilitating collections of neighbors to create better hunting grounds.

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The Fairfield County Deer Management Alliance continued its work to compel the CT DEEP to change regulations in its control to facilitate larger harvests to the extent feasible without compromising public safety or humane kills. The Alliance has urged the DEEP to evaluate the root of each regulation to ascertain its original purpose and make a determination if the rational is this germane. Progress on these changes has been frustratingly slow and the Alliance is not satisfied a comprehensive evaluation has taken place or yielded a notable difference in.

2012 Proposed Plan

As stated last year, the CT DEEP 2011 flyover transects over Fairfield County established that the deer density numbers have not changed for Wilton from 2009 to 2011, remaining at 60+ per sq. mi. Despite the concerted efforts of the Deer Committee, a town-wide impact is not being realized. CT DEEP has long maintained that the recreational hunting can make a substantial difference; it is simply a matter of securing access for hunters. This rationale is seen as flawed by the committee. Eight years of feedback highlight the limitations of recreational hunting. These limitations include unwillingness of hunters to keep hunting after their freezer is full, passing on opportunities to allow the deer to grow larger for a subsequent harvest, hoarding more properties than can be effectively hunted, and inability to put in sufficient time. These combined with natural hindrances such as weather and acorn production; strongly suggest recreational hunting alone is insufficient for the town to reach its stated goal of 10-20 deer per square mile.

To address this reality, the Deer Committee is proposing two new harvest approaches. The first is to modify the schedule of hunting, allowing hunting on Saturdays and holidays, except Thanksgiving weekend. This restriction was originally included as a means to balance public access and also assuage the perception of safety concerns. This safety concern has no statistical support and given that the properties are closed during the hunt, people will still not be permitted to be on the properties while hunters are on-site. Consequently, the biggest public drawback is access limitations on select public open spaces. Inasmuch as the SNEW lands are not open to the public in any event, no loss of access is realized for those parcels. Public access will be affected on the three town/land trust parcels proposed for hunting. Recognizing the increased level of park use over the extended Thanksgiving weekend, public open spaces will not be hunted for the long weekend to facilitate normal access.

Hunters will again need to pass a background check and proficiency test in order to qualify for participation in the landowner match program. 2011 hunters who did not respond to the survey or received a negative report from the property owner (i.e. failed to hunt the property) will not be eligible to participate. As has occurred in years past, the final hunt schedule will be shared with the Wilton P.D. and both the archery and firearms seasons will be utilized. All hunting will take place from tree stands and hunters will be encouraged to donate excess venison to area foodbanks.

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The second effort to work towards increasing Wilton's harvest to meet town-wide goals is to develop and begin promoting a planned cull using sharpshooters in accordance with the provisions of C.G.S. 26-82. The committee will present the financial, efficacy, and safety considerations of using sharpshooters. Depending on community acceptance, the committee will pursue a permit with the CT DEEP to engage in this type of culling in FY14.

The homeowner match program met with sufficient success to continue this effort. There is a benefit from decentralizing the harvest by gaining access to more private lands throughout town. As has been anecdotally reported, neighborhoods around the controlled hunt parcels see fewer deer and report less browsing. This same effect can be realized from private property hunting. Further, as the match program matures, the committee anticipates word of mouth and experience to solidify this program within the community. The committee will increase publicity efforts to inform residents of the program and increase participation.

Lastly, the committee will extend its overall work on managing deer population to include soliciting help from the Department of Energy and Environmental Protection. The DEEP has been working with Redding to assess their efforts, ongoing overabundance, and help devise a plan to move forward with. This assistance should be beneficial to Wilton as well.

Proposed Parcels

The 2012 plan will include those of 2011 and add back parcels previously hunted. Ownership of hunted land is shared between the town of Wilton, South Norwalk Electric and Water, and Wilton Land Conservation Trust. Regardless of ownership, the Deer Committee will undertake hunter coordination, notification of area property owners, and other management tasks.

The proposed parcels are as follows.

<u>SNEW Lands</u> – Bow and firearm hunting at City & Rock Lakes and Comstock Brook Property and bow hunting only at Diversion Parcel, Pope's Pond, and Crystal Lake parcels. The SNEW parcels will be hunted six days a week for the full season, September 15, 2012 through January 31, 2013. Sunday hunting is prohibited in Connecticut. There will be no hunting over Thanksgiving weekend or the week between Christmas and New Year's Day.

Town/Land Trust Parcels — Bow and firearm hunting at Sackett & Marble/Richards/VanHalewyn Preserves, Vista Property and adjoining Land Trust property, and Belknap & Gregg Preserves. These are the parcels anticipated as of the writing of the Plan and the Deer Committee wishes to retain the ability to refine this list by adding or eliminating parcels, subject to the approval to the Conservation Commission or Land Trust, as applicable. Hunting will take place six days a week and the hours will be determined based on hunter availability and productive hunting times. Accordingly, some parcels may be hunted in just the morning or afternoon and others may be hunted all day. Prior to the start of the hunting season, a schedule will be submitted to the Conservation Commission and Land Trust for final approval. Parcels will be hunted from September 15, 2012 through December 22, 2012, except Thanksgiving weekend. There will be no Sunday hunting as it is prohibited in Connecticut.

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INTEROFFICE MEMORANDUM

TO: G. Kenneth Bernhard

FROM: Robyn H. Drucker

RE: Sunday Alcohol Sales

DATE: May 21, 2012

I have reviewed the new legislation pertaining to Sunday Alcohol Sales. For your reference, the legislation is titled An Act Concerning Competitive Alcoholic Liquor Pricing and House of Operation For Permitees (the "Act") and can be found at:

http://www.cga.ct.gov/2012/ACT/PA/2012PA-00017-R00HB-05021-PA.htm.

You asked me to research the effect of P.A. 12-17 upon municipal ordinances already in effect, which do not permit Package Store Permit holders to be open to the public on Sundays. The research was specifically concerned with the steps a town must take, if any, in order to permit Package Store Permit holders to sell liquor on Sundays. Based on the research below, I have concluded that it is likely that local ordinances in effect prior to the passage of the Act must be amended in order to permit the sale of liquor on Sundays.

The Act

To begin, the relevant portion of P.A. 12-17 states the following: ((1) the bracketed text in red, which was a part of the prior legislation, is no longer part of the Act and (2) the underlined text in blue has been added to the new Act)

(d) The sale or dispensing of alcoholic liquor in places operating under package store permits, drug store permits, manufacturer permits for beer, manufacturer permits for beer and brew pubs or grocery store beer permits shall be unlawful on [Decoration Day, Independence Day, Labor Day,] Thanksgiving Day, New Year's Day [, Sunday] or Christmas; [or, if Independence Day, Christmas or New Year's Day occurs on a Sunday, on the Monday next following such day except that such sale or dispensing shall be lawful on any Independence Day occurring on a Saturday;] and such sale or dispensing of alcoholic liquor in places operating under package store permits, drug store permits, manufacturer permits for beer, manufacturer permits for beer and brew pubs and grocery store beer permits shall be unlawful on Sunday before ten o'clock a.m. and after five o'clock p.m. and on any other day before eight o'clock a. m. and after nine o'clock p. m. It shall be unlawful for the holder of a [manufacturing] manufacturer permit for a brew pub to sell beer for consumption off the premises on the days or hours prohibited by this subsection. Any town may, by a vote of a town meeting or by ordinance, reduce the number of hours during which such sale shall be permissible.

The language of this provision supports the contention that the Act does not automatically supersede local ordinances pre-dating the allowance of Sunday liquor sales; rather, the Act suggests that local ordinances must be amended in order to permit the sale of liquor on Sundays. First, the language at the end of this provision, stating that "Any town may, by a vote of a town meeting or by ordinance, reduce the number of hours during which such sale shall be permissible," suggests a legislative interest in protecting a town's right to restrict when alcohol can be sold. Second, the Act simply determines when liquor cannot be sold in Connecticut, without specifically stating that package store permit holders may sell liquor at any time when such sales are not unlawful. This again suggests a legislative respect for local regulation. In light of these interpretations, it seems probable that the local ordinance at issue must be reviewed in order to permit Sunday sales.

Notably, I have not come across any resources suggesting, as in Bob Nerny's email, that local ability to restrict the hours of sale does not permit the town to regulate the days on which liquor is sold. In fact, as discussed below, the Department of Consumer Protection website, which states that local ordinances may "otherwise restrict or prohibit the sales on Sundays from 10am to 5pm," seems to foreclose this argument.

The Department of Consumer Protection

The Department of Consumer Protection, Liquor Control Division, has recently amended its website to provide notice of the passage of the Act. The website can be found at: http://www.ct.gov/dcp/cwp/view.asp?a=1623&q=273660. The website warns that "local ordinances may be more restrictive [than the Act]; package store permitees and grocery store permitees should make contact with their respective towns to ensure that their town ordinances do not otherwise restrict or prohibit the sales on Sundays from 10am to 5pm, or have any other prohibitions or restrictions." This statement again supports the contention that local ordinances that are more restrictive than the Act will be upheld, and must be changed in order to permit Sunday sales.

To confirm the statement on the Department of Consumer Protection website, I called the Liquor Control Division and spoke to Sue, who stated that local ordinances will not be pre-empted by the Act.

Conclusion

In light of the text of the Act, the Department of Consumer Protection website and telephone conversations with Liquor Control Division representatives, it is probable that local ordinances must be changed, by a vote at a town meeting or ordinance, in order to permit package store permit holders to sell liquor on Sundays.

WILTON PUBLIC WORKS DEPARTMENT

(203) 563-0152



TOWN HALL ANNEX 238 Danbury Road Wilton, Connecticut 06897

MEMORANDUM

TO:

William Brennan, First Selectman

FROM: Thomas Thurkettle, Director of Public Works,

DATE:

May 30, 2012

RE:

Proposed FY 2012/2013 Transfer Station Fees

Attached is the proposed FY 2012/2013 operating budget for the Wilton Transfer Station. The proposed budget was approved by the Board of Selectman included an increase in the refuse Collector's tipping fee and the Resident's ticket fees. The proposed FY 2012/2013 Collector's tipping fee would be \$93 per ton of refuse delivered. This is an increase of \$5 per ton to the existing tipping fee which is now \$88 per ton. This will be the first time in the last four (6) years that the refuse collectors tipping fee has been increased. The approved budget also included a proposed Resident's ticket fee of \$4.50 per ticket from the present \$4.00 per ticket. The Resident's ticket fee has not been increased in the last eleven (11) years. We recommend that the Board of Selectman approved the above fees without any exceptions.

The new budget will take effect July 1, 2012; therefore the Board of Selectman will have to approve the proposed fee increases prior to July 1, 2012.

In Justin Jes + 17 %

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